



COUNTY OF LOS ANGELES  
CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 3, 2003

Maria M. Oms  
Auditor-Controller  
Lloyd W. Pellman  
Office of the County Counsel  
Rocky Armfield  
Chief Administrative Office

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Juliet Musso, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 249 462**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$2,750,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

MMO/fsl

Enclosures

# MEMORANDUM

February 18, 2003

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: PAUL BEACH, ESQ.  
Franscell, Strickland, Roberts & Lawrence

JOHANNA M. FONTENOT  
Principal Deputy County Counsel  
General Litigation Division

RE: Juliet Musso, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 249462

DATE OF  
INCIDENT: August 15-17, 2000

AUTHORITY  
REQUESTED: \$2,750,000

COUNTY  
DEPARTMENT: SHERIFF'S DEPARTMENT

---

## CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of  
Supervisors for Approval

---

ROCKY A. ARMFIELD Chief Administrative Office

---

LLOYD W. PELLMAN County Counsel

---

MARIA M. OMS Auditor-Controller

---

, 2003

## SUMMARY

This is a recommendation to settle for \$2,750,000, a civil rights lawsuit filed by sixty-eight individuals on behalf of themselves and all others similarly situated for injuries they sustained following their arrest and incarceration during the Democratic National Convention in downtown Los Angeles in August 2000.

## LEGAL PRINCIPLES

A public entity and its employees can be liable for damages for violating a person's federally protected civil rights to be free from unreasonable searches and seizures if the individual is unlawfully strip-searched. A public entity may be further held liable for violating a person's civil rights if Los Angeles County Sheriff's Department personnel fail to release a person from custody within a reasonable time following expiration of lawful authority to hold that person in custody. Persons who establish a violation of their civil rights are also entitled to an award of reasonable attorney's fees.

## SUMMARY OF FACTS

Juliet Musso was a member of a group of protesting bicyclists who had traveled to Los Angeles to participate in protests during the Democratic National Convention (DNC), which was being held in downtown Los Angeles. On August 15, 2000, at approximately 6:20 p.m., the group was arrested by the Los Angeles Police Department (LAPD) for blocking the Metrolink railroad tracks at 18<sup>th</sup> Street and Flower Street. They were booked at an LAPD field booking location for reckless driving, a misdemeanor, then transported by a Sheriff's Department Transportation bus to the Los Angeles County Jail approximately seven hours later.

The group arrived at the Inmate Reception Center at approximately 2:05 a.m. on August 16, 2000, and processed into the County Jail. The females were transferred to the Twin Towers Correctional Facility (TTCF), and assigned to a housing module specifically reserved for female DNC arrestees. The males were transferred to Men's Central Jail and assigned to a housing module specifically reserved for male DNC arrestees. Upon entry into TTCF, the female DNC arrestees alleged that they were subjected to a visual body cavity search prior to being placed into their housing module. The male DNC arrestees alleged that they were denied telephone calls, access to medication, and delayed arraignment. The females contend this also. The male arrestees did not make any allegations of being strip-searched.

These individuals were arraigned in Court on August 16, 2000, with the vast majority of them being ordered released with a return court date of September 1, 2000. The female DNC arrestees who were ordered released by the Court, alleged that they were subjected to a second visual body cavity search upon returning to TTCF and prior to release. Both the male and female DNC arrestees allege that they were over detained because they were not released at the Courthouse, and were taken back to County Jail after the court ordered them released.

## DAMAGES

All sixty-eight plaintiffs claim that they were overdetained and suffered emotional damages due to being sent back to County Jail after they were ordered released by the Court. Additionally, the twenty-three female arrestees claim that they suffered severe emotional distress and humiliation by being subjected to unlawful strip searches. In addition, should they prevail on their civil rights claims, they would be entitled to recover attorney's fees. The potential damages should this matter proceed to trial could be as follows:

Emotional Distress	\$5,000,000
Civil Rights Attorney's Fees	<u>\$ 750,000</u>
Total	\$5,750,000

The specific amount to be received by each party is to be determined by their attorney, subject to approval by the court.

## STATUS OF THE CASE

All proceedings in this case have been stayed pending the approval of this settlement recommendation.

Expenses incurred by the County in defense of this matter are attorney's fees of \$85,213 and costs of \$4,218.

## EVALUATION

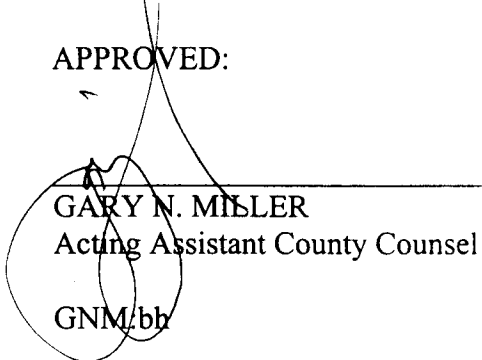
The Sheriff's Department had an established written policy at the time of this incident, which although consistent with California law regarding strip searches was not well understood and appropriately followed by jail personnel at TTCF.

If the jury concludes that these individuals were subjected to an unlawful strip search, and overdetained, they would be entitled to an award of damages and attorney's fees under the Federal Civil Rights Acts.

We believe that a jury award of damages coupled with an award for attorney's fees could well exceed the recommended settlement amount.

Therefore, we join our private counsel, Franscell, Strickland, Roberts & Lawrence, in recommending settlement of this matter in the amount of \$2,750,000. The Sheriff's Department concurs with this settlement recommendation.

APPROVED:



GARY N. MILLER  
Acting Assistant County Counsel

GNM/bh

# **Los Angeles County Sheriff's Department**

## **CORRECTIVE ACTION REPORT**

**LAWSUIT OF :** Juliet Musso, et al., v. County of Los Angeles  
Case No. BC 249462, Docket No. 121804

**DATE OF INCIDENT :** August 15 -17, 2000

**INCIDENT LOCATION :** Twin Towers Correctional Facility  
450 Bauchet Street, Los Angeles, CA. 90012

**RISK ISSUES :** Under California law, a person arrested solely on a misdemeanor charge may not be subjected to a strip search before arraignment unless the arrest charge involves weapons, narcotics or violence or if there is a reasonable suspicion based upon specific articulable facts that the person is concealing a weapon or contraband. Absent these facts, the County and individual employees may be held liable for an unlawful strip search conducted by the employee. The County can also be held liable for false imprisonment if the Sheriff's Department fails to release the arrestee within a reasonable time following the expiration of a lawful detention, or by Court order to release the individual in custody. The County and individual employees can be further held liable for damages for violating a person's federally protected civil right to be free from unreasonable searches and seizures if the individual is strip searched after the person is ordered released by a Court.

**INVESTIGATIVE REVIEW :** The plaintiffs were a group of protesting bicyclists who had traveled to Los Angeles to participate in protests during the Democratic National Convention (DNC) which was being held in downtown Los Angeles. On August 15, 2000 at approximately 6:20 p.m., the plaintiffs were arrested by the Los Angeles Police Department (LAPD) for blocking the Metrolink railroad tracks at 18<sup>th</sup> Street and Flower Street. They were booked at an LAPD field booking location for Reckless Driving (Misdemeanor), then transported by a Sheriff's Department Transportation bus to the Los Angeles County Jail approximately seven hours later.

The plaintiffs arrived at the Inmate Reception Center at approximately 2:05 a.m on August 16, 2000 and processed into the County Jail. The females were transferred to the Twin Towers Correctional Facility (TTCF) and assigned to a housing module specifically for female DNC arrestees. The males were transferred to Men's Central Jail and assigned to a housing module specifically for male DNC arrestees. Upon entry into TTCF, the female DNC arrestees alleged that they were subjected to a visual body cavity strip-search prior to being placed into their housing module. The male DNC arrestees alleged that they were denied telephone calls, access to medication, and delayed arraignment. The male arrestees did not make any allegations of being strip-searched.

The plaintiffs were arraigned in Court on August 16, 2000, with the vast majority of them being ordered released with a return court date of September 1, 2000. Of the DNC arrestees who were ordered released by the Court, the females alleged that they were subjected to a second visual body cavity search upon returning to TTCF and prior to release.

*W.S.*  
CONTENTS  
W. STONICH  
NOTE

**TRAINING ISSUES :** The Sheriff's Department has implemented briefings and training policies regarding strip searches of prearrestment misdemeanor arrestees, along with court returnees ordered for release.

**POLICY ISSUES :** At the time of this incident, the Sheriff's Department had an established written policy which was consistent with California law regarding strip searches. Even though the Department was unable to establish that the DNC arrestees were subjected to a strip search, there was information that strip searches were being conducted at TTCF due to an incorrect interpretation of an exception clause of the state law regarding strip searches of inmates housed in general population housing facilities. This established a need to modify the then-existing guidelines and clarify strip search procedures involving prearrestment misdemeanor arrestees and released inmates.

**CORRECTIVE ACTION :** The Sheriff's Department has re-written its policies regarding strip searches. Procedures to identify, track and separate prearrestment misdemeanor arrestees from general population inmates who can be subjected to strip searches have been modified, with personnel assigned to the jails being re-briefed on search policy. Supervisors have also been required to reinforce the strip search policy through continuous oversight.